

basis of plaintiffs' complaint was conducted under the auspices of Prof. Merenda. Prof. Merenda has direct knowledge of the compositions performed at defendant's establishment on the night in question. He will refute each and every allegation of plaintiff's complaint.)

- b. Maurice Rucker, Jamaica Plain, Massachusetts. Mr. Rucker is a professional musician, recording artist, songwriter and publisher. He is a member of ASCAP. (Mr. Rucker plays an integral role in the entertainment and Jazz-Jam presented at defendant's establishment. He will refute plaintiffs' allegations of copyright infringement. He will also offer expert and percipient testimony as to the origins of jazz music and how it was performed at defendant's establishment on the night in question.)
- c. Larry Watson, New York, New York. Mr. Watson is an international recording artist and past professor of music at Berklee College of Music. He is also a songwriter and publisher as well as a member of ASCAP. (Mr. Watson will offer expert testimony as to the origins of jazz music and how it was performed at defendant's establishment on the night in question).
- d. Richard Wiley, Jamaica Plain, Massachusetts. Mr. Wiley is a retired professional musician. (He will be offering expert and percipient testimony as to the origins of jazz music and how it was presented at defendant's establishment on the night in question).
- e. Mark Francis of Allied Amusement, Boston, Massachusetts. (Mr. Francis will offer testimony as to the licensing procedures and compliance therewith for the "Juke Box" located in defendant's establishment presently and on the night in question.)

2. Description of Documents Which Support Claims:

- a. Copies of all applicable entertainment licenses associated with the "Juke Box" in Costello's Tavern.

b. Discovery and investigation continue as to any documentation which supports defendant's claim and/or defenses.

3. Damages:

Defendant seeks attorneys fees and costs as a result of defending the specious allegations described in plaintiffs' complaint at the rate of \$400.00 per hour.

Dated: April 29, 2005

NELSON ◇ GRIFFIN

By: /s/
THOMAS J. GRIFFIN
Attorneys for Defendant
COSTELLO'S TAVERN, INC.

Dated: April 29, 2005

CERTIFICATE OF SERVICE

I, Joji Sarthou, hereby certify that on this 29th day of April, 2005, I served Defendant's Initial Disclosures Pursuant to Fed.R.Civ.P. 26(a)(1) and Local Rule 26.2(A) on the plaintiffs' counsel by mailing a copy thereof addressed to: Stephen S. Young, Esq., Holland & Knight, LLP, 10 St. James Avenue, Boston, MA 02116.

/s/
JOJI SARTHOU